

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

Michelle L. Patstone legal guardian for
Domonique A. Patstone

12 C 50451

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

12 C 51

vs.

Case No: _____
(To be supplied by the Clerk of this Court)

Deputy Daniel Reilley
Deputy Dave Mordt
Deputy Kevin Smyth
Deputy Tim Oberholtzer

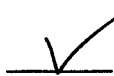
FILED

DEC 17 2012

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

CHECK ONE ONLY:



COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983
U.S. Code (state, county, or municipal defendants)



COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE
28 SECTION 1331 U.S. Code (federal defendants)



OTHER (cite statute, if known)

BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.

- I. Plaintiff(s):** Michelle W. Patstone legal guardian for
A. Name: Domonique A. Patstone
B. List all aliases: N/A
C. Prisoner identification number: N/A
D. Place of present confinement: N/A
E. Address: 3810 Brentwood Drive South Bend, IN

46628

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement and current address according to the above format on a separate sheet of paper.)

- II. Defendant(s):**
(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: Daniel Reilley
Title: Deputy
Place of Employment: Boone County Sheriff's Dept.
B. Defendant: Dave Mordt
Title: Deputy
Place of Employment: Boone County Sheriff's Dept.
C. Defendant: Kevin Smyth
Title: Deputy
Place of Employment: Boone County Sheriff's Dept.

(see attached)

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

Defendant(s): continued

D. Defendant: Tim Oberholtzer

Title: Deputy

Place of Employment: Boone County Sheriff's Dept.

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: N/A
- B. Approximate date of filing lawsuit: N/A
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: N/A
- D. List all defendants: N/A
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): N/A
- F. Name of judge to whom case was assigned: N/A
- G. Basic claim made: N/A
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): N/A
- I. Approximate date of disposition: N/A

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

(See attached)

Jurisdiction - The original traffic
stop originated in Boone County
Illinois. The defendants are
residents of Boone County Illinois.
The Plaintiff resides in Indiana.

Deputy Beilley conducted a traffic stop on 17 December 2010 for "failure to dim headlights". Deputies Mordt, Smyth, and Oberholtzer were dispatched to the location to render assistance, and conduct a "free air" test for suspected illegal drugs, sans a search warrant. The probable cause for this search, per Deputy Beilley, was the physical appearance of the Plaintiff; red eyes; goatee; dreadlocks; and graffiti covered cargo pants. Plaintiff attempted to exercise his Fourth Amendment rights declining search of his person and vehicle. Plaintiff was placed in "protective custody" while the K-9 police dog was used to search his vehicle. The subsequent arrest, charges, and detention of Plaintiff was unlawful. The financial hardships and obligation to appear in: January 2011; February 2011; April 2011; May 2011; June 2011; September 2011; and December 2011 was unjustified.

On 27 January 2012 the case(s) were dismissed with prejudice stating the Court finding no reasonable suspicion supporting the traffic stop.

- I. As a direct result of the acts of the Defendants, the Plaintiff suffered the following damages:
- A. Violation of Constitutional Rights under the Fourth Amendment to the United States Constitution to be free from unreasonable search and seizure of his person;
 - B. Loss of his physical liberty;
 - C. Loss of income and substantial expenses incurred from required psychological evaluation and court appearances.

II. The actions of the Defendants violated the following clearly established and well settled federal constitutional rights of the Plaintiff:

A. Freedom from the unreasonable seizure of his person;

B. Freedom from the unreasonable seizure of his property.

III. Defendant Beilley falsely imprisoned the Plaintiff by unlawfully detaining him against his will. Defendant Beilley had no reason to detain or search Plaintiff because he did not reasonably believe that the Plaintiff had committed an offense.

IV. Defendants Mordt, Smyth, and Oberholtzer participated in the unlawful detention and failure to intervene in the violation of Plaintiff's constitutional rights.

V. Relief. cont.

D. Grant to Plaintiff such other and further relief as may be just and proper under the circumstances, including but not limited to appropriate injunctive relief.

E. Expungement of all records pertaining to the original traffic stop to include:

a. 2010 TR 15092;

b. 2010 CF 513;

c. 2010 CF 514 (superseded).

F. Attorney Fees

G. Compensatory damages \$40,000

H. Punitive damages \$80,000

V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

- A. Enter judgement in favor of Plaintiff against Defendants;
- B. Enter an order declaring Defendants conduct unconstitutional;
- C. Award Plaintiff compensatory and punitive damages against Defendants (see attached)

VI. The plaintiff demands that the case be tried by a jury. ☐ YES ☒ NO

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 14th day of Dec., 2012

Michelle L. Patstone legal guardian for

Domonique A. Patstone
(Signature of plaintiff or plaintiffs)

Michelle L. Patstone legal guardian for
(Print name) Domonique A. Patstone

(I.D. Number)

3810 Brentwood Drive
South Bend, IN 46628
(Address)